

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Amber Marie Baird

Docket No. 7:05-CR-103-1

Petition for Action on Supervised Release

COMES NOW Pamela O. Thornton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Amber Marie Baird, who, upon an earlier plea of guilty to Armed Bank Robbery and Aiding and Abetting, 18 U.S.C. § 2113 (a) and (d), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on January 18, 2006, to the custody of the Bureau of Prisons for a term of 47 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall participate in a program of mental health treatment, as directed by the probation officer.
4. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
5. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
6. The defendant shall participate in a vocational training program as may be directed by the probation officer.

Amber Marie Baird was released from custody on April 21, 2008, at which time her term of supervised release commenced.

On September 1, 2010, this officer notified the Court that the releasee had violated her special conditions of supervision by associating with another convicted felon, Justin McKeithan, and taking medication not prescribed to her. The releasee was admonished for her behavior and the court agreed to hold the violations in abeyance at that time.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

From April 2008 until February 2010, the releasee associated with another convicted felon, Justin McKeithan. They originally met at the residential reentry center, Bannum Place of Wilmington, in 2008. In March 2010, McKeithan was charged with breaking and entering Ms. Baird's apartment and assaulting her current boyfriend and her brother. On April 5, 2011, McKeithan pled no contest to Assault with a Deadly Weapon Inflicting Serious Injury and Intimidating Jurors, in New Hanover County Superior Court, in Wilmington, North Carolina. It was revealed during our investigation of the criminal activity that Ms. Baird had violated special conditions of her supervised release. Review of witness statements, bank records, pictures and other case materials provided by McKeithan's attorney, Carter T. Lambeth, revealed that Ms. Baird was frequently consuming alcohol and patronizing nightclubs during those months. It was further alleged during the investigation that she had used drugs.

Ms. Baird was questioned regarding the allegations and admitted to using alcohol during the specified time period. She claimed that she was unaware that alcohol consumption was a violation of the special conditions of her supervised release. She denied using illegal drugs and all recent urinalysis have revealed negative results.

Pursuant to reviewing all the evidence, it is apparent the releasee has violated her conditions of supervision by her behavior. Ms. Baird admits to consuming alcohol and violating the special alcohol abstinence condition. However, she has apologized for her negative behavior and bad choices. She now appears to be on the right course and her actions show that she is making improvements in her lifestyle. She is currently enrolled in the Dental Assistant Program, at Miller-Motte Business College and in February of this year she earned placement on the Miller-Motte President's List, which recognizes students that maintain a high grade point average. Ms. Baird plans to complete this program and graduate in 2012.

To address the releasee's non-compliant behavior, it is recommended her conditions be modified to include 24 hours of community service. She can perform community service without interrupting her college classes. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

Amber Marie Baird
Docket No. 7:05-CR-103-1
Petition For Action
Page 3

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Pamela O. Thornton
Pamela O. Thornton
Senior U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-815-4857
Executed On: June 23, 2011

ORDER OF COURT

Considered and ordered this 24th day of June, 2011, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge